

ORDINANCE

118175

AN ORDINANCE relating to the City Light Department, granting an easement for two communication cabinets and underground communication cables and accepting releases of easement for one cabinet and underground communication cables upon, under, and across portions of the City of Seattle's PNT Transmission Line Right of Way within Lots 13 and 15, Block 2, North Park Addition to the City of Seattle, King County, Washington (P.M.#260431-2-301).

WHEREAS, in 1986 U S West Communications, Inc. (formerly Pacific Northwest Bell Telephone Company) was granted an easement over a portion of the City of Seattle's PNT Transmission Line Right of Way lying south of North 105th Street in Seattle for one above-ground telephone communication cabinet and underground cables; and

WHEREAS, there are errors in the legal description of the original easement and a revised easement, recorded in 1987; and

WHEREAS, U S West Communications, Inc. has requested an additional easement for an above-ground communication cabinet adjoining the existing communication facilities; and

WHEREAS, the Superintendent of City Light has recommended the grant of an easement for the additional communication cabinet; and

WHEREAS, U S West Communications, Inc. has agreed to release the existing easement agreements and pay to City Light the fair market value of the new easement areas in exchange for a new easement for its existing facilities and the additional cabinet; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That for and in consideration of Four Thousand Seven Hundred and No/100 Dollars (\$4,700.00) for deposit in the City Light Fund and the release of easement

JJ:rh
April 15, 1996
USWest.ord
(Ver.1)

1 agreements granted by U S West Communications, Inc. in the
2 attached Exhibit "A," the Superintendent of City Light is
3 authorized to execute for and on behalf of the City of
4 Seattle an easement for two above-ground communication
5 cabinets and underground communication cables substantially
6 in the form attached hereto as Exhibit "A," upon, under and
7 across the following described property:

8 The east 10 feet of the north 35 feet of Lot 13,
9 Block 2, North Park Addition to the City of
10 Seattle, according to the plat thereof recorded in
Volume 18 of Plats, page 76, records of King
County, Washington.

11 Also, an easement for underground communication cables under
12 and across the following described property:

13 The east 5 feet of Lot 13, Block 2, North Park
14 Addition to the City of Seattle, according to the
15 plat thereof recorded in Volume 18 of Plats, page
76, records of King County, Washington, EXCEPT the
north 35 feet thereof,

16 AND the east 5 feet of Lot 15, Block 2, said North
17 Park Addition to the City of Seattle.

18 Section 2. The City of Seattle hereby accepts the
19 Release of Easement Agreements contained in paragraph 1. of
20 Exhibit "A", by which U S West Communications, Inc. releases
21 and abandons the following described property:

22 The west 10 feet of the south 91 feet of Lot 13,
23 Block 2, North Park Addition to the City of
Seattle, according to the plat recorded in Volume
18 of Plats, page 76, in King County, Washington.

24 from that Easement Agreement, authorized by Ordinance 113044
25
26
27
28

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

1 and recorded under Recording Number 8611061317 and that
2 Corrected Easement Agreement recorded under Recording Number
3 8707021749, records of King County, Washington.

4 Section 3. Any act pursuant to the authority of this
5 ordinance and prior to its effective date is hereby ratified
6 and confirmed.

7 Section 4. This ordinance shall take effect and be in
8 force thirty (30) days from and after its approval by the
9 Mayor, but if not approved and returned by the Mayor within
10 ten (10) days after presentation, it shall take effect as
11 provided by Municipal Code Section 1.04.020.

12 Passed by the City Council the 17th day of
13 June, 1996, and signed by me in open session in
14 authentication of its passage this 17th day of
15 June, 1996.

16 Margaret Peeler
17 President pro tem of the City Council

18 Approved by me this 26 day of June,
19 1996.

20 Mouman Blice
21 Mayor

22 Filed by me this 27 day of June,
23 1996.

24 Jessie E. Papp
25 City Clerk

26 (Seal)

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Exhibit "A"

EASEMENT AGREEMENT AND RELEASE OF EASEMENT AGREEMENTS
(P.M.#260431-2-301)

THIS AGREEMENT, between the CITY OF SEATTLE, a municipal corporation, hereinafter referred to as the "City," and U S WEST COMMUNICATIONS, INC., a Colorado Corporation, hereinafter referred to as the "Grantee," WITNESSETH:

That for and in consideration of Four Thousand Seven Hundred and No/100 Dollars (\$4,700.00), the release of easement agreements as described in paragraph number 1. below, and other valuable consideration, the City grants to the Grantee, its successors and assigns, a non-exclusive easement for two above-ground communication cabinets and underground communication cables upon, under and across the following described property:

The east 10 feet of the north 35 feet of Lot 13, Block 2, North Park Addition to the City of Seattle, according to the plat thereof recorded in Volume 18 of Plats, page 76, records of King County, Washington.

Also, the City grants to the Grantee, its successors and assigns, a non-exclusive easement for underground communication cables under and across the following described property:

The east 5 feet of Lot 13, Block 2, North Park Addition to the City of Seattle, according to the plat thereof recorded in Volume 18 of Plats, page 76, records of King County, Washington, EXCEPT the north 35 feet thereof,

AND the east 5 feet of Lot 15, Block 2, said North Park Addition to the City of Seattle.

Subject to the following terms and conditions:

1. Upon recording of this Easement Agreement and Release of Easement Agreements, the Grantee hereby grants to the City, a release from that Easement Agreement recorded under Recording Number: 8611061373, and a release from that Corrected Easement Agreement recorded under Recording Number 8707021749, records of King County, Washington; this release of easement agreements is given for the purpose of abandoning said easement agreements and the following described property:

The west 10 feet of the south 91 feet of Lot 13, Block 2, North Park Addition to the City of Seattle, according to the plat recorded in Volume 18 of Plats, page 76 in King County, Washington.

2. The grantee shall provide plans or drawing furnishing details of improvements to be installed within the easement; the cabinets will not be placed closer than three feet from any electrical power pole.
3. The construction, maintenance and operation of the cabinets and underground cables granted herein shall be at the sole cost and expense of the Grantee.
4. Should the City's facilities be damaged or disturbed by reason of the construction, maintenance or operation of said cabinets or cables, the City may repair its facilities, and the Grantee shall pay the cost of such repair.
5. After construction, Grantee shall restore said property, including surrounding landscaping, to its condition prior to construction.

NOTICE:
IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

6. The Grantee agrees that the City shall not be responsible for any loss or damage done to the Grantee's facilities within said easement area by reason of any construction, maintenance, alterations or improvements performed on said property by the City, its agents or representatives.

7. The Grantee shall at no time interfere with the City's access to and over said property.

8. The Grantee shall at all times have the right of full and free ingress to and egress from said property described above.

9. The Grantee agrees to assume all liability for any damage caused to the City arising out of or resulting from Grantee's exercise of the rights and privileges herein granted.

10. Grantee covenants and agrees that neither it, nor its contractors or agents, will store, dump, bury or transfer any hazardous substances, flammable materials, inoperable vehicles, chemicals, oils, fuels, or containers for said substances, chemicals, oils, fuels, etc., on the easement area or on the City's adjoining property; and further agrees to observe all environmental laws of the State of Washington, City of Seattle, or any other governmental subdivision having regulatory authority over such activities on the premises.

11. The Grantee agrees to protect and save harmless the City from all claims, actions or damages of every kind and description which may accrue from or be suffered by reason of Grantee's use of the right-of-way, or the performance of any work in connection with its use; and in case of any such suit or action being brought against said City, or damages arising out of or by reason of any of the above causes, the Grantee shall, upon notice to Grantee of commencement of such action, defend the same at Grantee's sole cost and expense and will fully satisfy any judgment after the said suit shall have been finally determined, if adversely to the City, excepting any and all claims, actions or damages of any kind which may accrue out of the negligence of the City.

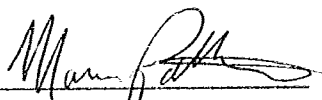
12. The placement of underground utility lines within the right-of-way must be indicated above ground in a manner approved by the Superintendent of the City Light Department.

13. In the event that such cabinets and underground cables be abandoned or removed by the Grantee, its successors or assigns, this easement shall terminate and revert to the City, its successors or assigns.

IN WITNESS WHEREOF, the City of Seattle has caused this agreement to be executed by its Superintendent of the City Light Department pursuant to Ordinance _____, and the Grantee has executed the same this ____ day of _____, 19__.

U S WEST COMMUNICATIONS, INC.,
a Colorado Corporation

CITY OF SEATTLE,
a Municipal Corporation

By 
Title FIELD ENGINEER

By _____
Superintendent, Seattle City Light

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

(ACKNOWLEDGMENT)

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this 28th day of MARCH 1996, before me personally appeared MARIA PA 775, to me known to be the FIELD ENGINEER of U S WEST COMMUNICATIONS, INC., the corporation that executed the within and foregoing instrument, and acknowledged that said instrument was the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that she was authorized to execute said instrument.

Given under my hand and official seal the day and year in this certificate above written.

Richard D. Atkins
Notary Public in and for the State of Washington, residing
at SEATTLE
My Commission Expires: 1-24-99

(ACKNOWLEDGMENT)

STATE OF WASHINGTON)
) ss.
County of King)

I certify that I know or have satisfactory evidence that GARY ZARKER signed this instrument, on oath stated that he was authorized to execute this instrument and acknowledged it as Superintendent of City Light of the City of Seattle to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Date _____

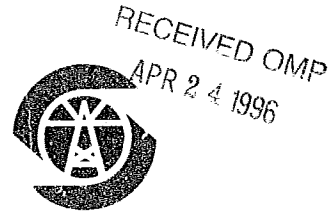
NOTARY PUBLIC in and for the
State of Washington, residing at

My Commission Expires: _____

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Seattle City Light

Gary Zarker, Superintendent
Norman B. Rice, Mayor



April 23, 1996

The Honorable Jan Drago, President
Seattle City Council
600 Fourth Avenue
11th Floor Municipal Building
Seattle, Washington 98104-1873

VIA: Tom Tierney, Director
Office of Management and Planning

Dear Councilmember Drago:

Request for Legislation Authorizing an Easement and Accepting
Release of Easement Agreements for Communication Cabinets and
Underground Cables (P.M. #260431-2-301)

U S West Communications, Inc. (U S West) has requested an easement for a communication cabinet and underground cables on a portion of the City of Seattle transmission right of way lying south of North 105th Street in Seattle. These facilities would adjoin existing communications facilities that were authorized by ordinance and granted by easement agreements recorded in 1986 and 1987. Seattle City Light has reviewed this request and has determined that the easement will not interfere with the City's use of the right of way.

While reviewing this request, staff discovered an error in the legal descriptions on the previous easement agreements, and agreed with U S West that the best way to correct the error would be to release the erroneous agreements and grant one easement agreement for the existing facilities and the new cabinet. U S West will pay the fair market value of the new easement area.

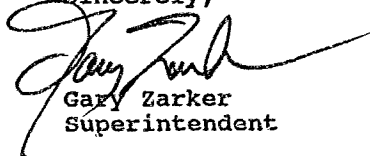
It is our recommendation that legislation, authorizing the easement agreement and release of easement agreements substantially in the form enclosed, be passed.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

The Honorable Jan Drago, President
Page 2
April 23, 1996

If you have any questions regarding this request for legislation, please call June Jacobson of our Real Estate Services unit at 684-3324.

Sincerely,



Gary Zarker
Superintendent

Enclosures: Ordinance
Exhibit A (Easement Agreement and Release of
Easement Agreements)

cc: Norman B. Rice, Mayor
City Councilmembers
Tom Tierney, Director, Office of Management and
Planning
Will Patton, Seattle Law Department
Yasmin Mehdi, Office of Management and Planning

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

**INFORMATION SHEET FOR EASEMENT AGREEMENT AND RELEASE OF
EASEMENT AGREEMENTS FOR U S WEST COMMUNICATIONS**

In 1986 U S West Communications, Inc. (formerly Pacific Northwest Bell Telephone Company) was granted an easement over a portion of City Light's PNT Transmission Line Right of Way lying south of North 105th Street in Seattle for one above-ground telephone communication cabinet and underground cables. The easement document had several errors which were corrected in an easement agreement recorded in 1987. Unfortunately, all errors were not discovered at that time.

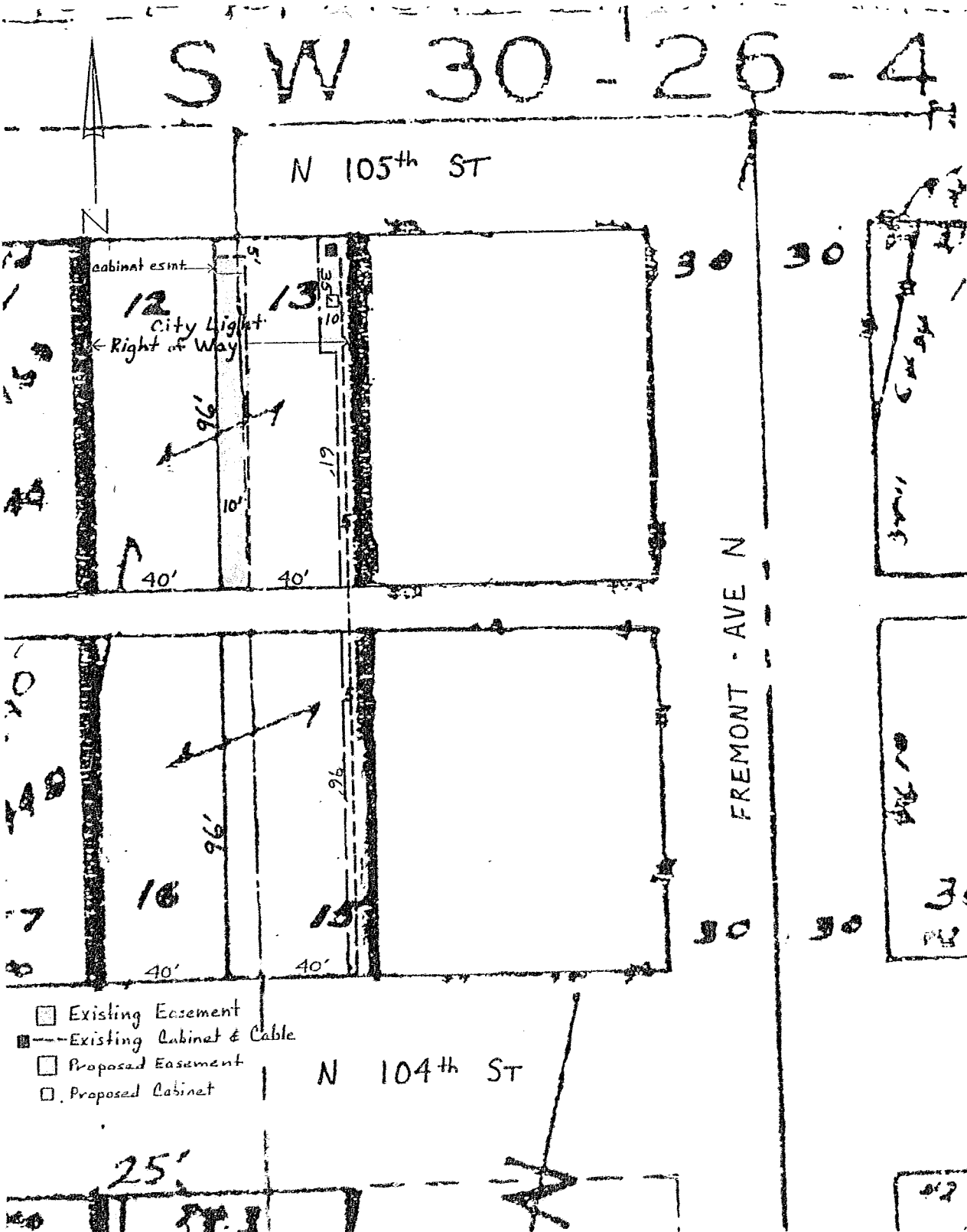
Recently, U S West Communications, Inc. requested an additional easement for an above-ground communication cabinet adjoining the existing communication facilities. When reviewing this request for an additional easement, City Light staff found an error in the legal description of the original easement agreements. It is necessary to correct the easement description because the communication facilities are in a different location.

U S West Communications, Inc. has agreed to release the original incorrect easement agreements and pay to City Light the fair market value (\$4,700.00) of the new easement areas in exchange for an easement that covers all of its existing facilities and the additional cabinet.

This, basically, eliminates the easement granted over the wrong area, grants an easement over the area that currently has the communication cabinet and cables in it, and allows U S West to place an additional cabinet near the first cabinet.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.



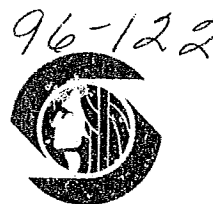
City of Seattle

Executive Department—Office of Management and Planning

Thomas M. Tierney, Director
Norman B. Rice, Mayor

April 24, 1996

The Honorable Mark Sidran
City Attorney
City of Seattle



Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING
DEPARTMENT: City Light Department

SUBJECT: AN ORDINANCE relating to the City Light Department, granting an easement for two communication cabinets and underground communication cables and accepting releases of easement for one cabinet and underground communication cables upon, under, and across portions of the City of Seattle's PNT Transmission Line Right of way within Lots 13 and 15, Block 2, North Park Addition to the City of Seattle, King County, Washington (P.M. #260431-2-301).

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMP. Any specific questions regarding the legislation can be directed to Yazmin Mehdi at 684-8088.

Sincerely,

Norman B. Rice
Mayor

by

Yazmin Mehdi

for TOM TIERNEY
Director

h:\admin\regis\law\trs\mehdi4

Enclosure

COPY RECEIVED
06 APR 25 PM 2:51
CITY ATTORNEY

NOTICE:
IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY
THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Margaret Rogers

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO:

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

STATE OF WASHINGTON - KING COUNTY

69829

City of Seattle, City Clerk

—SS.

No. 8118183:ORD.

City of Seattle

TITLE ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on June 17, 1996, and published here by title only, will be mailed, at no cost, upon request for two months after this publication. For further information, contact the Seattle City Clerk at 684-8344.

ORDINANCE NO. 118174

Related to the Human Resources Information System; increasing the 1996 expenditure authority of specific city departments by appropriation of general obligation bond proceeds from the General Fund for the purpose of enabling those specific city departments to purchase computer equipment and software to access and use that new system.

ORDINANCE NO. 118175

AN ORDINANCE relating to the City Light Department, granting an easement for two communication cabinets and underground communication cables and accepting releases of easement for one cabinet and underground communication cables upon, under, and across portions of the City of Seattle's PNT Transmission Line Right of Way within Lots 13 and 15, Block 2, North Park Addition to the City of Seattle, King County, Washington (P. M. #26-431-2-501).

ORDINANCE NO. 118176

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the Superintendent of Parks and Recreation to proceed with the construction of the Miller Community Center; and making an appropriation from the Capital Facilities Project Bond Fund therefor, all upon a three-fourths vote of the City Council.

ORDINANCE NO. 118177

Relating to the Seattle Aquarium of the Department of Parks and Recreation; accepting a \$31,157 grant from the Puget Sound Water Quality Authority's Public Involvement and Education (PIE) grant program; authorizing execution of a subsequent grant agreement with the PSWQ for financial assistance to sustain and expand operation of the Puget Sound on Wheels Program; increasing the expenditure allowance in the Department's 1996 Budget; and making a reimbursable appropriation from the Park Fund, all by a three-fourths vote of the City Council.

ORDINANCE NO. 118178

Relating to the Seattle Department of Parks and Recreation; authorizing acceptance of a \$75,000 grant from the Docking Junior Mariners program to help renovate the ballfield at Jockima Park.

ORDINANCE NO. 118180

Authorizing acceptance of a grant from the American Public Power Association (APPA), authorizing and implementing agreements, and increasing expenditure allowance in the 1996 Budget of the City Light Department for the purpose of fulfilling the grant requirements, all by a three-fourths vote of the City Council.

ORDINANCE NO. 118183

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Publication ordered by JUDITH PIP-PIN, City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, July 6, 1996.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CTOT: 118174, 75, 77-80

was published on

07/05/96

The amount of the fee charged for the foregoing publication is the sum of \$, which amount has been paid in full

Subscribed and sworn to before me on

07/05/96

Notary Public for the State of Washington,
residing in Seattle

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.